



INSIGHTS

108th Congress

December 1, 2003

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Weekly Summary

New Legislation

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INSIGHTS is prepared expressly for the Department of Energy's Office of Federal Energy Management Programs (FEMP). The purpose of ***INSIGHTS*** is to provide FEMP management staff with timely information on legislative activities relevant to the program. ***INSIGHTS*** is prepared for FEMP by Energetics, Incorporated, (202) 479-2748.

I. WEEKLY SUMMARY

CONGRESSIONAL SCHEDULE

The House and Senate are on recess this week and are tentatively scheduled to return on Monday, December 8. Congress is expected to be in session for a short period of time to wrap up pending business such as action on *H.R. 2673 – Consolidated Appropriations* (omnibus bill) before adjourning for the year.

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II. COMMITTEE ACTIVITY

HOUSE

Legislation

Refer to Section IV. New Legislation.

Summary of Hearings

No activity of interest to report.

SENATE

Legislation

No new bills of interest to report.

Summary of Hearings

No activity of interest to report.

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STATUS OF FY 2004 APPROPRIATIONS

H.R. 2673 (H. Rpt. 108-401) - Consolidated Appropriations Before recessing for the Thanksgiving Holiday, a conference committee produced an omnibus appropriations bill, which includes the following annual bills of interest to *INSIGHTS* readers:

- *H.R. 2673/S. 1427 – FY 2004 Appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies*
- *H.R. 2799/S. 1585 – FY 2004 Appropriations for Commerce, Justice, State, and the Judiciary*

- *H.R. 2660/S. 1356 - FY 2004 Appropriations for Labor, Housing and Urban Development, and Education*
- *H.R. 2989/S. 1599 - FY 2004 Appropriations for Transportation, Treasury, and Independent Agencies*
- *H.R. 2861/S. 1584 - FY 2004 Appropriations for Veterans' Affairs, Housing and Urban Development, and Independent Agencies*

The \$820 billion bill (includes \$328.1 billion in discretionary spending) covers appropriations for Federal programs under the jurisdiction of seven annual appropriations bills as listed above plus Foreign Operations and the District of Columbia. **The bill includes a .59 percent across-the-board reduction in spending except for Department of Defense and Military Construction funds.** While no schedule has been announced, the House and Senate are expected to vote on the conference report if members return next week as tentatively planned. If votes cannot be accomplished, Federal programs pending FY 2004 appropriations are covered under a continuing resolution, which is in effect until January 31, 2004.

CONFERENCE COMMITTEES/VOTES

H.R. 6 - Energy Policy Act of 2003 Congress recessed for the Thanksgiving Holiday unable to pass the conference report for *H.R. 6*. Several issues remain controversial (e.g., protective liability language dealing with the gasoline additive, MTBE) and while the House easily passed the unnumbered conference report, the report stalled in the Senate due to a filibuster by the Democrats and the opposition of several key Republicans, who hail primarily from New England.

Various rumors have circulated about the Republican Leadership's strategy for quickly moving the bill forward. Some have suggested, for example, that the omnibus appropriations bill that has just come out of conference could be used as a vehicle to: (1) attach *H.R. 6* as an amendment or (2) include a statement in the bill softening the MTBE liability protection language to garner additional Senate votes. While these two ideas have been proposed, neither option appears to have the necessary support. The House, under the leadership of Joe Barton (R/TX), Chairman of the Subcommittee on Energy and Air Quality (Committee on Energy and Commerce), was the chief sponsor of the MTBE liability provision and remains steadfast in keeping the protective language in the bill. A number of other key provisions of interest to readers of *INSIGHTS* are on hold until a bill passes:

- Federal agencies and the utility and energy service company industry are concerned about continuing the use of energy savings performance contracts (ESPC) for projects in Federal facilities; the authority for ESPCs expired at the end of FY 2002.
- The Environmental community is anxious to see the bill pass because of their support for extending tax incentives for renewable energy production, including wind energy.
- The Federal Energy Regulatory Commission has put a hold on moving forward with a proposed standard market design plan, which as a controversial provision to time to sort out a compromise between the House and the Senate.

Senator Pete Domenici (R/NM), Chairman of the Committee on Energy and Natural Resources and the Conference Committee for *H.R. 6*, noted that he is opposed to tackling various sections of *H.R. 6* to produce and pass as separate bills. Regardless of the next steps for comprehensive energy legislation,

Senate Majority Leader Bill Frist (R/TN) has stated his plan to make passage of this bill his number one priority in 2004. He reportedly plans to pursue this goal in early January.

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III. STATUS OF FY 2004 APPROPRIATIONS BILLS

(In Millions)

HOUSE

SENATE

Jurisdiction/ FY 2004 Budget Request	302(b) Allocations / Approved Funding Level	Bill No.	Full Cmte. Mark Up	Floor Vote	Vote on Conf Rpt.	302(b) Allocations/ Approved Funding Level (New)	Bill No	Full Cmte. Mark Up	Floor Vote	Vote on Conf. Rpt.
Agriculture \$17,141	\$17,005	H.R. 2673	6/25	7/14		\$17,005	S. 1427	7/17	11/6	
Commerce \$37,685	\$37,914	H.R. 2799	7/16	7/23		\$37,014	S. 1585	9/4		
Defense \$371,698 P.L. 108-86	\$368,662	H.R. 2658	6/26	7/8	9/24	\$368,662	S. 1382	7/9	7/17	9/25
Energy and Water Development \$26,946 P.L. 108-	\$27,080	H.R. 2754	7/15	7/18	11/18	\$27,313	S. 1424	7/17	9/16	11/18
Homeland Security \$27,481 P.L. 108-90	\$28,521	H.R. 2555	6/17	6/24	9/24	\$28,521	H.R. 2555	7/10	7/24	9/24
Interior \$19,552 P.L. 108-108	\$19,627	H.R. 2691	6/25	7/17	10/30	\$19,627	S. 1391	7/10	9/23	11/3
Labor / HHS \$137,990	\$138,046	H.R. 2660	6/25	7/10		\$137,601	S. 1356	6/26	9/10	
Military Construction \$9,237 P.L. 108-132	\$9,196	H.R. 2559	6/17	6/26	11/5	\$9,196	S. 1357	6/26	7/11	11/12
Transportation and Treasury \$27,802	\$27,502	H.R. 2989	7/24	9/9		\$27,502	S. 1589	9/4	10/23	
VA/HUD \$89,434	\$90,034	H.R. 2861	7/21	7/25		\$90,034	S. 1584	9/4	11/18	

IV. NEW LEGISLATION

(Note: Once a new bill is introduced, the Government Printing Office generally requires from several days to one week to make the bill available in print)

HOUSE

Number	Short title	Date	Sponsor	Status
H. R. 3509	Home Energy Generation Act	11/18/03	Inslee	Referred to Committee on Energy and Commerce
<p>Amends the <i>Public Utility Regulatory Policies Act of 1978</i>, to promote energy independence and self-sufficiency by providing for the use of net metering by certain small electric energy generation systems.</p> <p>Within 1 year of enactment, retail electric supplier shall comply with and notify retail customers of the following requirements:</p> <p>Rates, charges, contract terms, and conditions for the sale of electric energy to customer-generators shall be the same as those assessed if the customer-generator did not own or operate a qualified generation unit and use a net metering system.</p> <p>Any retail electric supplier or local distribution company may install 1 or more additional electric energy meters to monitor the flow of electricity or to reflect time of generation.</p> <p>Retail electric supplier shall maintain records of total generating capacity of customer-generation systems using net metering, type of generating system, and energy source used by the electric generating systems.</p> <p>Qualified generation unit and net metering system shall meet all applicable safety and performance and reliability standards established by national electrical code, Institute of Electrical and Electronics Engineers, Underwriters Laboratories, or American National Standards Institute.</p> <p>Within 1 year of enactment, FERC shall publish model standards for the physical connection between local distribution systems and qualified generation units.</p>				

SENATE

No new legislation of interest to report.

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V. ADMINISTRATION INITIATIVES

Pending Comprehensive Energy Legislation Last week, Secretary of Energy Spencer Abraham released a statement regarding the delay in passing *H.R. 6 – Energy Policy Act of 2003*. The statement included the following remarks:

For three years we have made progress on passing a comprehensive energy bill and I applaud the terrific work of Senator Pete Domenici and Chairman Billy Tauzin. But it is past time to get serious and tackle the job at hand. I am confident that we will pass a comprehensive energy bill in January that benefits the American people.

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VI. HEARINGS SCHEDULE

HOUSE – COMMITTEE ON APPROPRIATIONS

No hearings of interest to report.

HOUSE – AUTHORIZATIONS/OVERSIGHT

No hearings of interest to report.

SENATE – COMMITTEE ON APPROPRIATIONS

No hearings of interest to report.

SENATE – AUTHORIZATIONS/OVERSIGHT

No hearings of interest to report.

CONFERENCE COMMITTEE NEGOTIATIONS AND FLOOR VOTES

No new actions of interest to report.

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